



United States
**Office of
Personnel Management**

Washington, DC 20415-0001

CPM 2003-14

November 14, 2003

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: KAY COLES JAMES
Director

SUBJECT: Return of Activated Military Members to
Federal Civilian Employment

President George W. Bush has issued the attached memorandum to the heads of Executive departments and agencies on the return of civilian employees who were called to serve on active duty in the continuing Global War on Terrorism. The President's memorandum notes that the Federal Government serves as a model for all employers in its treatment of its active duty and reservist military members and he is committed to providing each of them with our full support, recognition, and assistance. The President directs you to grant to Federal employees returning from active duty 5 days of uncharged leave (excused absence) from their civilian duties. Accordingly, I am issuing the attached guidance consistent with the President's memorandum.

Many of our employees have endured great disruption to their families and their normal lives as a result of their service in the war against terrorism. Therefore, I join the President in urging that agencies do everything possible to ease their return to civilian life.

Inquiries

For additional information, agency chief human capital officers may contact the OPM human capital desk officer for their agency. Employees should contact their agency human resources offices to obtain information on their entitlements and obligations.

cc: Chief Human Capital Officers

Attachments

Guidance on the Return to Civilian Employment for Activated Military Members

An employee who enters active military duty (voluntarily or involuntarily) from any position, including a temporary position, has full job protection, provided he or she applies for reemployment within the following time limits:

- (A) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee's residence.
- (B) Employees who served more than 30 days, but less than 181 days, must apply for reemployment within 14 days of release by the military.
- (C) Employees who served more than 180 days have 90 days to apply for reemployment.

Employees who served less than 91 days must be restored to the position for which they are qualified and would have attained had their employment not been interrupted. Employees who served more than 90 days have essentially the same rights, except that the agency has the option of placing the employee in a position for which he or she qualifies that is of like seniority, status, and pay to the position the employee would have attained had their employment not been interrupted.

Upon return or restoration, an employee generally is entitled to be treated as though he or she had never left for purposes of rights and benefits based upon length of service. This means that the employee must be considered for career ladder promotions, and the time spent in the military will be credited for seniority, successive within-grade increases, probation, career tenure, annual leave accrual rate, and severance pay. An employee who was on a temporary appointment serves out the remaining time, if any, left on the appointment. (The military activation period does not extend the civilian appointment.)

An employee performing active military duty is protected from reduction in force (RIF) and may not be discharged from employment for a period of 1 year following separation (6 months in the case of a Reservist called to active duty under 10 U.S.C. 12304 for more than 30 days, but less than 181 days, or ordered to an initial period of active duty for training of not less than 12 consecutive weeks), except for poor performance or conduct or for suitability reasons.

NOTE: Employees in the intelligence agencies have substantially the same rights, but are covered under agency regulations, rather than the Office of Personnel Management's regulations, and have different appeal rights.

Excused Absence for Returning Employees

In recognition of the sacrifices activated civilian employees have made, the President has directed that all agencies grant 5 work days of excused absence, without charge to leave, to these employees upon notification to their employing agencies of their intent

to return to Federal civilian employment. This request covers all employees who were activated for military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, or any other military operations subsequently established under Executive Order 13223. Agencies may grant this period of excused absence prior to the employee's resumption of his duties, or at a time mutually agreeable to the agency and the employee, if the employee has already returned to duty.

Recognition for Nonactivated Civilian Employees

The President's memorandum recognizes that many civilian employees throughout Government who were not activated have made valuable contributions to the successful military effort. Heads of departments and agencies are urged to recognize the accomplishments of these employees within the range of options available.

For further information on the employment rights of employees returning to civilian duty, see <http://www.opm.gov/oca/compmemo/2001/2001-09A.asp>.